

# PLANNING COMMISSION MINUTES

May 31, 2000

## CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Betty Bode, Chuck Heckman, Eric Johansen and Vlad Voytilla. Commissioners Bob Barnard and Sharon Dunham were excused.

Development Services Manager Irish Bunnell, Senior Planner John Osterberg, Transportation Planner Sean Morrison, Assistant City Attorney Bill Scheiderich, Planning Consultant John Spencer, AICP, and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

## VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATIONS:

Chairman Maks asked if the staff had any communications to submit at this time. There were none.

## OLD BUSINESS:

## PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1           **CONTINUANCES:**

2

3       **A.    CPA 99-00025 – COMPREHENSIVE PLAN LAND USE ELEMENT:**

4       Notice of the initial hearing on this proposal was originally provided on December  
5       17, 1999. The Planning Commission conducted hearings on the proposal on  
6       January 19 and March 15, 2000. The Planning Commission hearings will be  
7       continued on April 12, 2000. As originally described, "The proposed amendment  
8       will replace the existing Land Use Element. The proposal intends to complete  
9       Metro requirements related to land use requirements in local jurisdiction  
10      comprehensive plans. Both map and text changes will be included in the  
11      proposal." Metro Code Section 3.07.130 requires local governments identify  
12      Design Type Boundaries. The proposed amendment modifies the Land Use  
13      Element to more specifically identify the Metro Design Types, to specify  
14      boundaries and to collate common policies among the design types. Existing  
15      language will be modified to the extent that information can be made more clear,  
16      concise or consistent with other sections of the same element. In addition, the  
17      proposed amendment may:

- 18      \*       Remove references to the City's housing program and relocate them  
19              to the Housing/Economy Element;
- 20      \*       Remove references to the City's Urban Services Area and relocate  
21              them to the Public Services Element;
- 22      \*       Amend the Comprehensive Plan map to coincide with Land Use  
23              Element text changes; and
- 24      •       Place text provisions related to specific sub-areas of the City, such  
25              as the Downtown and the Murray/Scholls Town Center, in separate  
26              documents as addenda to the Comprehensive Plan.

27

28       Chairman Maks reported that staff has requested to continue this Public Hearing  
29       until June 21, 2000.

30

31       Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a  
32       motion that CPA 99-00025 – Comprehensive Plan Land Use Element, be  
33       continued to a date certain of June 21, 2000.

34

35       Motion **CARRIED** unanimously.

36

37      **B.    RZ 99-00020 – CORNELL ROAD REZONE OF TAX LOT 100:**

38      Request for approval of a Rezone (RZ) to change the City's zoning designation  
39      from Office Commercial (OC) to Community Service (CS) on an approximately  
40      2-acre parcel located on the north side of Cornell Road, between 167th Place and  
41      Twin Oaks Drive. The development proposal is located on Assessor's Map 1N1-  
42      31AA, on Tax Lot 100, and is currently zoned Office Commercial (OC). The site  
43      is approximately 2.37 acres in size.

44

45      Chairman Maks reported that staff has requested to continue this Public Hearing  
46      until June 14, 2000.

Commissioner Johansen **MOVED** and Commissioner Voytilla **SECONDED** a motion that RZ 99-00020 – Cornell Road Rezone of Tax Lot 100, be continued to a date certain of June 14, 2000.

Motion **CARRIED** unanimously.

**C. BEARD COURT:**

The following land use applications have been submitted for a 60-unit single family detached, Planned Unit Development, proposed to be located east of SW 155th Avenue and north of SW Beard Road. The zone change and development proposal is located on property identified by the Washington County Assessor's Map 1S1-29DB, on Tax Lot's 101, 300, 400, and 500, and is zoned Neighborhood Service Center (NS).

**1. RZ 2000-0001: BEARD COURT REZONE:**

The applicant requests approval of a Rezone (RZ) to change the City's zoning designation from Neighborhood Service Center (NS) to Urban Standard Density Residential (R-5). This rezone is proposed with the condition that if the Conditional Use Permit (PUD) is denied, the denial will prevent the final approval of the Rezone. This rezone is also proposed with the condition that if the two Sexton Mountain Rezones (RZ2000-0002, RZ2000-0003) are denied, the denial will prevent the final approval of the Beard Court Rezone. The Planning Commission will review the rezone request through the RZ2000-0001 application.

**2. CUP 2000-0001: BEARD COURT CONDITIONAL USE PERMIT (PUD):**

Request for a Conditional Use Permit approval for a 60-unit Planned Unit Development (PUD) on 10.33 acres of land. The PUD request includes proposed single family homes, sidewalks, streets, open space tracts, and associated landscaping. Proposed access points include two locations on SW 155th Avenue, and two locations on SW Beard Road. The Planning Commission will review the preliminary development plan through the CUP2000-0001 application.

**3. TPP 2000-0001: BEARD COURT TREE PRESERVATION PLAN:**

The applicant requests Tree Preservation Plan approval to remove trees within an area identified as a "significant grove" on Beaverton's Inventory of Significant Trees. The Tree Preservation Plan is proposed with this project to evaluate removal and impact to existing trees as a result of the residential development. The Planning Commission will review the proposal through the TPP2000-0001 application.

**D. THE SEXTON MOUNTAIN VILLAGE PROJECT:**

The following land use applications have been submitted for the development of a grocery store approximately 61,000 square feet in size and approximately 94

1 townhomes at the northwest corner of SW Murray Boulevard and SW Beard  
2 Road. The zone change and development proposal is located on property  
3 identified by Washington County Assessor's Map 1S1-29DD on Tax Lots 100  
4 and 200, and is currently zoned Urban Standard Residential (R-5).

5  
6 1. **RZ 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/  
7 HAGGEN STORE ZONE CHANGE:**

8 Request for Zone Change approval from R-5 to Community Service (CS) on  
9 the northern portion of the Sexton Mountain Village parcels. On this portion  
10 of the site, the applicant is proposing the development of a grocery store  
11 approximately 61,000 square feet in size, which would be a permitted use  
12 within the CS zone. The Planning Commission will review this Zone Change  
13 through the RZ2000-0002 application during a public hearing. This Zone  
14 Change application will be reviewed in conjunction with RZ2000-0001 Beard  
15 Court Rezone, RZ2000-0003 Sexton Village Zone Change, and CUP2000-  
16 0003 Sexton Mountain Village CUP (PUD). A condition to the approval of  
17 all three Zone Changes and the CUP would be if one application were to be  
18 denied, then the denial of that application would prevent the approval of the  
19 other applications.

20 2. **RZ 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/  
21 SEXTON PLACE TOWNHOMES ZONE CHANGE:**

22 Request for Zone Change approval from R-5 to Urban Medium Density (R-  
23 2) on the southern portion of the Sexton Mountain Village parcels. On this  
24 portion of the parcels, the applicant is proposing the development of  
25 approximately 94 residential units, which would be a permitted use within  
26 the R-2 zone. The Planning Commission will review this Zone Change  
27 though the RZ2000-0003 application during a public hearing. This Zone  
28 Change application will be reviewed in conjunction with RZ2000-0001  
29 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and  
30 CUP2000-0003 Sexton Mountain Village CUP (PUD). A condition to the  
31 approval of all three Zone Changes and the CUP would be if one application  
32 were to be denied, then the denial of that application would prevent the  
33 approval of the other applications.

34  
35 3. **CUP 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/  
36 SEXTON MOUNTAIN VILLAGE CONDITIONAL USE PERMIT  
37 (PUD):**

38 Request for Conditional Use Permit (CUP) approval for the Sexton Mountain  
39 Village Planned Unit Development (PUD). The CUP will review the  
40 development of the grocery store and townhomes as one planned  
41 development. Additionally, the applicant is requesting the height of a portion  
42 of the grocery store to approximately 43 feet, exceeding the 35-feet allowed in  
43 the CS zone. The Planning Commission will review this PUD though the  
44 CUP2000-0003 application during a public hearing. This CUP application  
45 will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone,  
46 RZ2000-0002 Haggen Store Zone Change, and RZ2000-0003 Sexton Place

1 Townhomes Zone Change. A condition to the approval of all three Zone  
2 Changes and the CUP would be if one application were to be denied, then the  
3 denial of that application would prevent the approval of the other applications.  
4

5 4. **CUP 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/**  
6 **HAGGEN STORE 24-HOUR OPERATION CONDITIONAL USE**  
7 **PERMIT:**

8 Request for Conditional Use Permit (CUP) approval to operate the proposed  
9 grocery store 24 hours a day. Uses that operate in the CS zone between 10:00  
10 p.m. and 7:00 a.m. require a CUP. The Planning Commission, during a public  
11 hearing, will review the hours of operation through the CUP2000-0002  
12 application.  
13

14 **APPLICANT REBUTTAL:**  
15

16 **JOEL GORDON**, 1011 Western Avenue, #902, Seattle, WA 98104,  
17 Director of Development representing Haggen/Briar Development Company,  
18 referred to documents relating to the rebuttal, including the letter from  
19 Kittelson & Associates, regarding traffic; the letter from MFG, Inc., regarding  
20 noise; the letter from the Corps of Engineers, regarding jurisdictional  
21 wetlands; and a Memorandum providing some proposed language for  
22 Conditions of Approval submitted by the applicant. Expressing his opinion  
23 that the applicant has solid responses to all concerns expressed by opponents  
24 of these applications, he stated that he intends to address what he considers  
25 issues of significance.  
26

27 Chairman Maks requested clarification from Counsel that rebuttal is limited to  
28 new matters raised in public testimony, rather than previous questions by  
29 Planning Commissioners.  
30

31 City Attorney Bill Sheiderich responded that this is Chairman Maks decision.  
32

33 Chairman Maks explained that the applicant's rebuttal is generally limited to  
34 new issues raised by public testimony, expressing his opinion that a certain  
35 amount of creativity on the part of the applicant might address other issues as  
36 well.  
37

38 Mr. Sheiderich observed that the State law to which Chairman Maks is  
39 referring to applies specifically to continuances, adding that these four nights  
40 of Public Hearings has been established.  
41

42 Noting that his intent is to address Beard Court issues first, followed by  
43 Sexton Mountain, Mr. Gordon discussed issues that concerned the public  
44 regarding Beard Court. Referring to testimony that R-2, rather than R-5,  
45 would be a more appropriate zone for that location, he clarified that this had  
46 specifically been determined by the City Council through the Comprehensive

1 Plan Amendment process. He referred to Tree No. 135, the large American  
2 Elm Tree, specifically whether it is feasible to preserve this tree, adding that  
3 Mr. Gast will address this issue.  
4

5 **FRED GAST**, 2700 Northeast Andresen Plaza, Suite D-22, Vancouver, WA  
6 98661, Residential Developer representing Polygon Northwest, discussed the  
7 review of the site plan, specifically their primary objective of utilize existing  
8 resources as assets and amenities within their plan. He observed that the  
9 primary focus had been on the wetland area and the significant grove of trees,  
10 adding that a significant amount of the trees will be preserved. He expressed  
11 his opinion that the Tree Preservation Plan proposed by the applicant is  
12 outstanding, and indicated the particular tree of concern in an illustration  
13 "Beard Court Illustrative". He discussed this particular Elm Tree, and  
14 explained that it falls within the lower spectrum regarding the quality of the  
15 tree. Noting that contrary to public testimony, he stated that the arborist has  
16 indicated that this tree does have the potential to contract Dutch Elm Disease.  
17 He pointed out that preservation efforts are being focused on the area of  
18 coniferous trees and the wetland, rather than a single tree. He mentioned that  
19 significant grading is scheduled for that area, adding that any efforts to retain  
20 the tree would likely be futile and that the arborist can address any further  
21 questions.  
22

23 Noting that the applicant has completed their response to issues regarding  
24 Beard Court, Mr. Gordon indicated that the applicant intends to address issues  
25 regarding Sexton Mountain at this time. He referred to concerns with the geo-  
26 technical and environmental condition of the site, as well as potential methane  
27 gas problems and soil stability problems, adding that Mr. Mills will address  
28 these issues.  
29

30 **SCOTT MILLS**, 17400 SW Upper Boones Ferry Road, Suite 230, Portland,  
31 OR, 97224, the geo-technical engineer representing Geo Design, of which he  
32 serves as President and Principal, discussed his qualifications for this  
33 particular project, noting that he personally has approximately 20 years of  
34 experience. He mentioned that Geo Design employs 25 engineers, geologists  
35 and environmental specialists, and described several local projects they have  
36 recently been involved in, including issues associated with landfills. He  
37 described projects such as this as the ultimate in recycling – the recycling of  
38 land. He discussed several concerns regarding the Sexton Mountain Village  
39 Project, including the qualifications of the consultant, the thoroughness of the  
40 studies, the consistency and depth of the fills across the property,  
41 environmental testing results and conclusions and recommendations regarding  
42 methane, building foundation concerns, development concerns and impacts of  
43 the earthwork on surrounding properties. He discussed the reputations and  
44 qualifications of Agra and Braun Interotec, who had performed some of the  
45 studies on the site. Regarding the thoroughness of the geo-technical probes,  
46 which is a method of obtaining soil samples, he provided an illustration

1 indicating different borings, geo-probes and test pits on the site. He  
2 emphasized that additional explorations are in the works. Observing that the  
3 site had been a quarry at one time and had been excavated out by Cobb Rock,  
4 he noted that this had created a basin, which had been filled in, over time. He  
5 reported that the excavations in the southern portion of the property had  
6 uncovered approximately 20 feet of fill over the basement rock that was left  
7 after the excavation of the quarry. The northern portion of the property,  
8 which is proposed for the Haggen Store, is situated directly on rock, adding  
9 that the only fill would be in one corner of the building, although  
10 approximately 70 feet of fill is situated under the proposed parking lot. He  
11 mentioned that the fill consists primarily of soil, rock, sand, silt, a lesser  
12 degree of concrete, asphalt, some wood and one stump, adding that some  
13 pockets of organic material had been found. He emphasized that both  
14 independent geo-technical consultants had indicated that no significant  
15 environmental issues exist at the site, pointing out that generally some sort of  
16 an odor can be detected in such an area, particularly if methane is involved.  
17 He pointed out that methane is generally associated with a municipal landfill  
18 where there are food scraps and lawn cuttings – wet, soft organic materials  
19 that rot. He stressed that this was not at any time a municipal landfill and that  
20 most of what had been placed there had been soil and some organic material.  
21 He emphasized that the applicant will make every effort to complete any  
22 further testing necessary to address issues creating concerns for the public and  
23 the City of Beaverton. He mentioned concerns with building foundations and  
24 excessive settlement, commenting that this has been resolved and that the  
25 buildings and parking lots will be situated in a stable environment of rock and  
26 structural fill. He discussed the earthwork concerns of the public, noting that  
27 the applicant's intent is to utilize equipment that will not greatly impact the  
28 nearby residences.

29  
30 Mr. Gordon observed that there had been no qualified testimony indicating the  
31 potential for excessive traffic problems. He discussed potential traffic  
32 interruptions on Murray Boulevard, explaining that this has been addressed  
33 and there should be no significant difference. He noted that the signal could  
34 be designed in such a way to allow for the addition of a future lane. He  
35 discussed the differing opinion regarding the correct "peak" period, explaining  
36 that the p.m. "peak" period is the correct procedure for this determination. He  
37 displayed an illustration of the site, indicating the traffic flow from the Sexton  
38 Place Townhomes out onto Murray Boulevard. He discussed concerns with  
39 truck traffic, observing that the site can be designed in such a way as to  
40 accommodate this traffic at certain times. He discussed concerns with the  
41 potential for a dangerous "drop-off" area on Murray Boulevard, explaining  
42 alternatives for avoiding this situation and described design alternatives that  
43 could address these concerns. He mentioned a comment that the applicant had  
44 refused to locate the store at a different location on the site for financial  
45 reasons, and explained the rationale for the proposed location, emphasizing  
46 that cost had not been a major issue in this decision. He discussed concerns

1 with the 24-hour operation of the store, pointing out that several similar stores  
2 in the area have permits for 24-hour operations although they are not open to  
3 the public during those hours. He emphasized that the applicant's request is  
4 not extraordinary due to the fact that this option has been granted to several  
5 other grocery stores in the area, adding that 24-hour operation is becoming  
6 more of a standard for the grocery industry.

7  
8 Mr. Gordon pointed out that what is extraordinary is the substantial amount of  
9 mitigation that the applicant is offering, in terms of the enclosure of the entire  
10 loading dock and service area, extensive landscaping and lighting limitations.  
11 He discussed truck noise on Murray Boulevard and described his efforts  
12 toward obtaining information regarding truck noise on Murray Boulevard. He  
13 described the proposed delivery schedule, and displayed a graph illustrating  
14 "Peak Sound Levels Along SW Murray Boulevard 5/26/00 – Early Morning"  
15 and "SW Murray Boulevard Sound Levels 5/26/00 4 – 5 a.m., and 5 – 6 a.m.,  
16 and 6-7 a.m." He concluded that similar noise of the same magnitude and  
17 same frequency is already occurring and that the Hagggen trucks will blend  
18 right into this environment, emphasizing that many of these trucks represent  
19 independent distributors and are on this road already, serving other facilities.  
20 He discussed the parking lot sweepers and leaf blowers, noting that the  
21 applicant has submitted documentation mitigating this situation, adding that  
22 they will not utilize this equipment between the hours of 10:00 p.m. and 7:00  
23 a.m. He concluded that this evidence and conditions clearly establish that the  
24 conditional use criteria are met with respect to the 24-hour operation and that  
25 they will be reasonably compatible with and have a minimal impact upon the  
26 livability of the surrounding area.

27  
28 Mr. Gordon addressed the issue of CS zone, noting that the applicant is  
29 willing to accept a use restriction that limits the commercial use on this site to  
30 a grocery store. He noted that the applicant is implementing the intent of the  
31 City Council that these ten acres be restricted to the development of a grocery  
32 store, noting that NS zoning will not work due to spacing criteria. He  
33 commented that staff has agreed that CS zoning subject to this planned unit  
34 development for this use is the best way to implement the intent of the City  
35 Council under existing City Codes.

36  
37 Mr. Gordon summarized that there should be reflection upon both what had  
38 been addressed and what had not been addressed at the Public Hearing. He  
39 referred to testimony concerning other uses that might occur on the site,  
40 emphasizing that this is not possible within the applicant's proposal. He  
41 discussed legitimate but unfounded concerns about the potential impact of the  
42 projects. He emphasized that there was no qualified testimony regarding  
43 noise impacts, traffic, lighting, screening or any other specific project impacts  
44 that has not been adequately addressed. Referring to the clean Staff Report,  
45 he pointed out that this is the result of many hours of efforts by both the  
46 applicant and the staff. He added that the Staff Report is thorough, meets the



1 applicable criteria, puts multi-family on Murray Boulevard and can be  
2 compatible with other property in the neighborhood. He emphasized the  
3 applicant's pride in the mitigation program and the design, expressing his  
4 opinion that all issues have been addressed. He pointed out that the applicant  
5 is particularly gratified by the amount of testimony and support received from  
6 citizens, adding that it is much easier to convince individuals to testify in  
7 opposition than in support of an issue. He urged the Planning Commission to  
8 support and approve all seven applications.

9  
10 Chairman Maks expressed his appreciation to the applicant's team.

11  
12 Commissioner Heckman referred to Tree No. 135, specifically how near the  
13 right-of-way it is located.

14  
15 Mr. Gast informed him that Tree No. 135 is located within the right-of-way.

16  
17 Commissioner Heckman questioned the time span involved in the test borings  
18 and test pits.

19  
20 Mr. Mills informed Commissioner Heckman that these test borings and test  
21 pits span over an approximately nine-year period.

22  
23 Commissioner Heckman questioned whether the results from nine years ago  
24 are still relevant.

25  
26 Referring to environmental conditions, Mr. Mills advised Commissioner  
27 Heckman that the vast majority of the environmental work had been  
28 completed since 1995, and that most of the explorations have been done  
29 within the last year, adding that he does not anticipate that there have been  
30 any significant changes.

31  
32 Commissioner Heckman mentioned a reference to seven feet of fill in the  
33 parking lot area.

34  
35 Mr. Mills explained the procedure for mitigation of settlement that occurs  
36 when fill has not been compacted, which he referred to as the preload  
37 procedure. He stated that fill is brought in and placed over the area they will  
38 be building on, leave it there for a period of time and allow it to settle under  
39 that weight prior to removal to build the improvement, generally over a period  
40 of several weeks to two months, adding that it is monitored and measured as it  
41 settles.

42  
43 Commissioner Heckman questioned the standards by which this fill is  
44 compacted.

45

1 Mr. Mills stated that the finished product is generally compacted to 92% of  
2 modified compaction for silts in a parking lot.

3  
4 Commissioner Heckman referred to the applicant's willingness to relocate  
5 sidewalks to provide for a four-foot planter.

6  
7 Chairman Maks advised Commissioner Heckman that this issue had not been  
8 addressed in rebuttal.

9  
10 Commissioner Heckman informed Chairman Maks that this issue had been  
11 brought up in the rebuttal.

12  
13 Mr. Gordon clarified that the applicant is definitely willing to move this  
14 sidewalk in the immediate vicinity, adding that that they have not yet  
15 determined what the appropriate distance would be to address this concern.

16  
17 Mr. Heckman referred to the 24-hour operation, specifically the applicant's  
18 statement that there are only two to three late night deliveries per week.

19  
20 Mr. Gordon clarified that a typical week will include two or three deliveries  
21 between 10:00 p.m. and 4:00 a.m., noting that the more frequent deliveries  
22 occur after 4:00 a.m.

23  
24 Mr. Heckman requested clarification of whether the bulk of the deliveries  
25 begin after 4:00 a.m.

26  
27 Mr. Gordon clarified that the majority of the deliveries will occur after 4:00  
28 a.m., and explained that the noise study has indicated that there will be no  
29 perceptible increase in traffic-generated noise on Murray Boulevard.

30  
31 Commissioner Heckman referred to Mr. Gordon's statement that the applicant  
32 is willing to accept the use restriction conditioned upon their CS zoning,  
33 specifically how the applicant could *not* accept this.

34  
35 Mr. Gordon concurred, adding that the applicant had indicated their  
36 willingness to accept the regulations stipulated by the City Council.

37  
38 Commissioner Heckman observed that staff should appreciate his reference to  
39 the clean Staff Reports.

40  
41 On question, Commissioner Bode informed Chairman Maks that the three  
42 topics with which she was concerned had been addressed.

43  
44 On question, Commissioner Voytilla indicated that his concerns had also been  
45 addressed.

46

1 Commissioner Johansen referred to a soil compacting technique that involves  
2 explosions of some sort.

3  
4 Mr. Mills described this technique, which he referred to as “dynamic deep  
5 compaction”, which involves dropping a big, heavy weight from a crane onto  
6 the site and compacting the earth. On question, he informed Commissioner  
7 Johansen that this would not be necessary on this site.

8  
9 Commissioner Johansen mentioned background noises and the noise buffering  
10 of existing noise on Murray Boulevard, referring to background noises that  
11 would be present if 149<sup>th</sup> Avenue were to develop at its R-5 zoning,  
12 requesting a comparison.

13  
14 **ERIC HANSON**, 19203 – 36<sup>th</sup> Avenue West, Suite 101, Lynnwood, WA  
15 98036, representing MFG, Inc., speculated on the design of a residential use,  
16 adding that it may be conceivable to build structures tall enough to serve as  
17 partial barriers. He stated that he prefers not to attempt to estimate what a  
18 future development might be. He mentioned that there might be some  
19 reduction in noise from Murray Boulevard for those situated directly behind  
20 the store, as a result of the structure itself. The berms on the access road to  
21 Beard Road would also cause some noise reduction. He stated the difficulty  
22 in anticipating whether a residential development would have similar barriers  
23 between the residences on 149<sup>th</sup> Avenue and Murray Boulevard.

24  
25 Chairman Maks questioned why a noise study had not been conducted at 1:00  
26 a.m. or 2:00 a.m.

27  
28 Mr. Hanson clarified that their anticipation had been that the traffic volumes  
29 generated by this facility would not warrant a detailed off-site report, although  
30 some of the reasons had also been logistical. He referred to traffic counts  
31 from Tanasbourne, pointing out that most significant sleep disturbances would  
32 occur at early morning, rather than at midnight. He pointed out that very few  
33 truck deliveries occur at 1:00 a.m., adding that the bulk occurs between 5:00  
34 a.m. and 6:00 a.m.

35  
36 Observing that the background, or masking level, of 45 decibels has been  
37 indicated at 4:00 a.m., Chairman Maks questioned how one could determine  
38 that these same levels are not 20 decibels at 1:00 a.m.

39  
40 Mr. Hanson emphasized that the intent had not been to indicate the masking of  
41 traffic noise, adding that while he is not insinuating that these peak noise  
42 events are masked, but that there are a sufficient number of them already that  
43 this will not involve an unusual new event that will disturb people.

44

1 Chairman Maks mentioned that while he does not necessarily disagree, at 4:00  
2 a.m. or 5:00 a.m., he often takes walks at 1:00 a.m. or 2:00 a.m., when it is  
3 quiet.

4  
5 Chairman Maks requested information regarding delay per vehicle,  
6 specifically the comparative analysis on the Murray Boulevard right hand  
7 turn.

8  
9 **MARK VANDEHEY**, 610 SW Alder Street, Suite 700, Portland, OR  
10 97205, Managing Principal representing Kittelson & Associates, advised  
11 Chairman Maks that this analysis involves a comparison with and without the  
12 right hand turn lane.

13  
14 Chairman Maks questioned whether this had been conducted like an average  
15 level of service at an intersection and clarified what this level of service  
16 entails.

17  
18 Mr. Vandehey observed that this had taken into account the volume in both  
19 lanes of the southbound direction, which is the subject of interest for the right  
20 turn lane.

21  
22 Chairman Maks questioned what the vehicle delay would have been if only  
23 the one lane was under study, and also what the 0.5 second delay per vehicle  
24 equates to in terms of speed reduction.

25  
26 Mr. Vandehey advised Chairman Maks that in terms of speed reduction, this  
27 vehicle delay would be virtually imperceptible. He noted that an evaluation of  
28 an arterial should involve a one to two mile stretch of traffic, including the  
29 impact of average travel speeds on Murray Boulevard. Explaining that the  
30 average driver currently spends three to five minutes traveling two miles on  
31 Murray Boulevard, he emphasized that this adds an average of approximately  
32 one half a second to the time of these vehicles traversing this road.

33  
34 Chairman Maks observed that this half second includes a left hand lane that is  
35 moving freely and not being impeding, expressing his opinion that Mr.  
36 Vandehey had still not addressed his question and should consider going into  
37 politics. He repeated his question, "What does it equate to in reduction of  
38 speed?"

39  
40 Observing that he is attempting to respond to Chairman Maks' question, Mr.  
41 Vandehey indicated that he is referring to the cumulative impact of lots of  
42 development, lots of access and adding signals. He emphasized that what  
43 mainly adds delay is the addition of new signals and multiple access points on  
44 an arterial. He pointed out that the issue at hand is whether a right hand turn  
45 lane is necessary on that southbound approach, repeating that there will be no  
46 change in the average travel time on Murray Boulevard, period.

1 Chairman Maks advised Mr. Vandehey that while he already knew that this  
2 included both lanes, his intent had been to illustrate this.

3  
4 Commissioner Johansen questioned whether the half second delay per vehicle  
5 is dependent upon traffic volume, and Mr. Vandehey informed him that this  
6 half second delay per vehicle indicates the worst case scenario of peak hour  
7 traffic, adding that at other times, the delay may be less than a half second.

8  
9 Mr. Gordon emphasized that this half-second delay is during the p.m. peak  
10 hour.

11  
12 Mr. Vandehey repeated that this half-second delay during the p.m. peak hour  
13 is not an average over a 24-hour time period.

14  
15 Chairman Maks emphasized that this half second delay per vehicle during  
16 p.m. peak includes the volume from both lanes, with the left hand lane moving  
17 smoothly at 40 miles per hour and the right hand lane moving at about 40  
18 miles per hour and slowing down to approximately 15 miles per hour to turn  
19 right.

20  
21 Mr. Vandehey pointed out that only the vehicles turning right would be  
22 slowing to 15 miles per hour.

23  
24 Chairman Maks noted that this all averages out, and referred to the left hand  
25 turn lane on Beard Road, which has the same half a second delay per vehicle.

26  
27 Mr. Vandehey concurred that there will be a half a second delay per vehicle  
28 on Beard Road, as well, adding that this only involves one lane.

29  
30 Chairman Maks compared referred to the 35-second delay, noting that there  
31 are still operational functions to consider. He questioned whether the  
32 comparative analysis included the right hand turn movement which also slows  
33 down the left-hand turn movement.

34  
35 Mr. Vandehey stated that this is included, adding that the delay to the original  
36 left-hand turn from Beard Road accounts for that right turn traffic. He  
37 commented that all conflicting traffic has been accounted for and is in the  
38 delay estimate for that left hand turn movement, adding that this delay has  
39 been utilized in determining how much this will impact through traffic on  
40 Beard Road.

41  
42 On question, Mr. Vandehey informed Chairman Maks that the left-hand turn  
43 lane includes the delay that is caused by the right hand turn movement.

44  
45 8:09 p.m. – 8:19 p.m. – break.  
46

1 Chairman Maks indicated that Commissioner Heckman is ill and has left.

2  
3 Chairman Maks expressed his appreciation to Mr. Vandehey for providing the  
4 ITE explanation of the supermarket of which he based his study on.

5  
6 **PUBLIC REBUTTAL:**

7  
8 **MARK JOHN HOLADY**, 9000 SW 149<sup>th</sup> Avenue, Beaverton, OR 97007,  
9 Secretary of the Neighbors for Livability (NFL), referred to the issue of the  
10 noise study conducted at Tanasbourne, reminding the while Tanasbourne is  
11 located in a commercial area, the proposed store is located in the middle of a  
12 residential area.

13  
14 **MAURA MALONE**, 14900 SW Ruby Street, Beaverton, OR 97007, Dr.  
15 Mills referred to test pits, questioned whether he had located the borings done  
16 by Agra that had been omitted from the site plan. Observing that these  
17 particular borings had contained considerable organics and the methane, she  
18 requested that they be correctly identified within the site plan.

19  
20 Chairman Maks advised Ms. Malone that this portion of the Public Hearing  
21 involves rebuttal, rather than questions.

22  
23 Ms. Moline restated her comment, expressing her opinion that these borings  
24 had not been pointed out on the site plan.

25  
26 **ELISE SMITH**, 15015 SW Telluride Terrace, Beaverton, OR 97007,  
27 observed that there had been no mention of settlement of the property  
28 following the proposed excavation on the west side, closest to the adjacent  
29 homes.

30  
31 On question, Chairman Maks observed that there was no further public  
32 rebuttal of the applicant's rebuttal.

33  
34 On question, Mr. Gordon indicated that the applicant has no further rebuttal at  
35 this time.

36  
37 Commissioner Bode referred to the main walkway from proposed store out to  
38 Murray, specifically the two proposals that had been offered, asking whether  
39 staff has made any decision on these two proposals.

40  
41 Planning Consultant John Spencer reminded the Planning Commission that  
42 Murray Boulevard is a county road, noting that as long as Washington County  
43 is agreeable, staff will support modifications proposed by the applicant.

44  
45 Commissioner Johansen referred to the Sexton Place Townhome rezone, page  
46 22 of the Staff Report, with respect to the access points on Murray Boulevard

1 and Beard Road, suggesting that Washington County approve those access  
2 points under certain conditions. He questioned whether the county had  
3 reviewed Beard Road, in particular, since it is not a county facility.

4  
5 Transportation Engineer Sean Morrison assured Commissioner Johansen that  
6 Washington County would have examined all access points to Murray  
7 Boulevard, noting that they had not provided any specific comments regarding  
8 Beard Road

9  
10 On question, Mr. Morrison informed Commissioner Johansen that it would  
11 not be accurate to state that the county had approved the access points onto  
12 Beard Road.

13  
14 Mr. Osterberg clarified that attached to the Facilities Review comments from  
15 the county was Washington County's Memorandum dated December 10, 1997  
16 of the original Staff Report, which had described all of the access points for  
17 Sexton Mountain Village, including Beard Road. He commented that this  
18 indicates that all of the elements have been reviewed.

19  
20 Commissioner Voytilla indicated that his question has been addressed.

21  
22 Commissioner Maks questioned Mr. Morrison's agreement with the applicant  
23 with regard to the right hand turn and the left-hand turn off of Beard Road,  
24 requesting that he expand upon his basis for this decision. He emphasized that  
25 the purpose statement indicates impairment of the overall efficiency.

26  
27 Mr. Morrison discussed information received regarding specific issues  
28 regarding stacking for the site access on Beard Road, noting that this  
29 supplemental information had satisfied the concerns of staff. Referring to the  
30 purpose statement, he stated that the transportation staff believes that  
31 functional problems arise because multiple access points interrupt the traffic  
32 flow as cars turn in and out of each business, impairing the overall efficiency  
33 and safety of the transportation system. He referred to the situation of  
34 Beaverton-Hillsdale Highway, with multiple access points to multiple  
35 businesses, which do create a cumulative effect on the transportation system.  
36 He noted that this location includes controlled access, adding that the situation  
37 is not like that of the Beaverton-Hillsdale Highway and that the purpose  
38 statement is met by the proposed development.

39  
40 Chairman Maks referred to 3.5.8.3 – Community Service District Policies,  
41 Section B, special regulations for limiting access should be developed, adding  
42 that one could expand on that and simply state proper access with regard to  
43 the Beard Road access to the property.

44 Mr. Morrison pointed out that he had reviewed the site plan and the  
45 applicant's consultants recommendations and further discussion of those

1 access points, adding that the long-term projections concluded that there  
2 would be no problem with those access points approved.

3  
4 Chairman Maks referred to transportation element 6.2.1.A, maintain livability  
5 through proper location and design of transportation facilities, questioning  
6 whether Mr. Morrison had driven down 125<sup>th</sup> Avenue near the high school  
7 recently where the City had failed to install a right hand turn lane and  
8 observed how this particular two-lane arterial functions.

9  
10 Mr. Morrison assured Chairman Maks that the City Traffic Engineer is aware  
11 of this particular situation.

12  
13 Chairman Maks requested clarification of the status of Beard Road, and Mr.  
14 Morrison informed him that Beard Road is identified on the functional  
15 classification plan as an arterial.

16  
17 Chairman Maks requested that Mr. Morrison review the situation of Beard  
18 Road and perhaps refer it to Mr. Wooley to determine the feasibility of  
19 installing a stop sign at 149<sup>th</sup> Avenue.

20  
21 Chairman Maks closed that portion of the Public Hearing.

22  
23 Chairman Maks suggested the possibility of taking a twenty or twenty-five  
24 minute break prior to returning this evening for decisions on these seven  
25 applications, or returning tomorrow night when Mr. Heckman, who is ill, will  
26 have the opportunity to participate in the decisions. He requested that staff  
27 provide Mr. Heckman with a copy of the last part of the tape, following his  
28 departure.

29  
30 Observing that it is unfortunate that Commissioner Heckman is ill,  
31 Commissioner Voytilla stated that he prefers to have him participate in the  
32 decision process.

33  
34 Commissioner Bode commented that she, too, prefers to wait for  
35 Commissioner Heckman to return, emphasizing that only four Commissioners  
36 are available at this time to vote on this important issue.

37  
38 Commissioner Johansen expressed his opinion that the Commissioners should  
39 wait for Commissioner Heckman to return to make a decision.

40  
41 Chairman Maks noted that because he does not always agree with  
42 Commissioner Heckman, he might prefer to make a decision tonight, adding  
43 that he does actually agree with his fellow Commissioners that the Public  
44 Hearing should be continued.

45



1 Commissioner Voytilla **MOVED** and Commissioner Bode **SECONDED** a  
2 motion that RZ 2000-0001 – Beard Court Rezone; CUP 2000-0001 – Beard  
3 Court Conditional Use Permit (Planned Unit Development); TPP 2000-0001 –  
4 Beard Court Tree Preservation Plan; RZ 2000-0002 – Sexton Mountain  
5 Village Project – Haggen Store Zone Change; RZ 2000-0003 – Sexton  
6 Mountain Village Project – Sexton Place Townhomes Zone Change; CUP  
7 2000-0003 – Sexton Mountain Village Project Conditional Use Permit  
8 (Planned Unit Development); and CUP 2000-0002 – Sexton Mountain Village  
9 Project – Haggen Store 24-Hour Operation Conditional Use Permit; be  
10 continued until a date certain of June 1, 2000.

11  
12 Motion **CARRIED** unanimously.

13  
14 **MISCELLANEOUS BUSINESS:**

15  
16 The meeting adjourned at 8:39 p.m.

CALENDAR:

1				
2	July	5		<i>NO MEETING SCHEDULED</i>
3		12	<i>Public Hearing</i>	<i>CUP 99-00032 HOME DEPOT (cont. from April 19, 2000)</i>
4				<i>CUP 2000-0015 IHOP OFF OF REGATTA LANE</i>
5				<i>CUP 2000-0014 GRAMOR</i>
6				<i>CUP 2000-0008 FOUNTAINCOURT</i>
7		19	<i>Public Hearing</i>	<i>CUP 2000-0002</i>
8				<i>RZ 2000-0005 ANNEXATION RELATED AMENDMENT</i>
9				<i>CPA 99-00015</i>
10				<i>TA 99-00006 TITLE 3 WATER QUALITY, FLOOD MGMT.</i>
11				<i>CPA 99-00014</i>
12				<i>TA 99-00005 GOAL 5 RIPARIAN &amp; WETLAND PROTECTION</i>
13		26	<i>Public Hearing</i>	<i>RZ 99-00020 CORNELL ROAD REZONE OF TAX LOT 100</i>
14				<i>TPP 99-00008 WATERHOUSE 5 SUBDIVISION MODIFICATIONS</i>
15				<i>CPA 2000-0003 COMPREHENSIVE PLAN TRANSPORTATION</i>
16				<i>ELEMENT MODIFICATION</i>
17	August	2	<i>Public Hearing</i>	<i>CPA 99-00025 COMPREHENSIVE PLAN LAND USE ELEMENT</i>
18		9	<i>Public Hearing</i>	<i>CPA 99-00017</i>
19				<i>CPA 99-00018 TREE INVENTORY UPDATE</i>
20				<i>CPA 99-00013</i>
21				<i>TA 99-00004 WILDLIFE HABITAT &amp; TREE PRESERVATION</i>
22		23	<i>Public Hearing</i>	<i>TA 2000-0004 TITLE 4 IMPLEMENTATION</i>